

REMARKS

Applicants believe all Groups should be considered together. The Office is apparently applying the unity-of-invention rules set forth in PCT rules 13.1 and 13.2. The rationale provided by the Office is that the technical feature claimed in claim 1 as a drug carrier system is known in the prior art, citing U.S. patent 5,830,986.

Respectfully, the cited '986 patent does not disclose the subject matter of claim 1. Claim 1 is directed to a drug carrier composition that comprises a plurality of colloidal particles assembled from the block copolymers of claim 17. The block copolymers are characterized by the property that polymers represented by each block are able to form an aqueous two-phase system. Because of this property, they are able to assemble into the colloidal particles required by claim 1.

None of this taught by the '986 patent which does not describe colloidal particles assembled from a multiplicity of block copolymers at all. Rather, the '986 patent describes macromolecules that can be characterized as polyethylene oxide (PEO) "star" molecules. They are prepared from a plurifunctional core molecule to which PEO chains or arms are attached. Optionally, the arms may further be extended with a biomolecule.

Thus, the '986 copolymers are simply not the same as the present copolymers and lack the technical feature of the drug carrier systems and copolymers of the invention which, because they are composed of blocks that can form two-phase systems, aggregate as colloidal particles as drug carriers. As the technical feature that unifies the claims is not disclosed in the prior art, it is believed that with the restriction requirement should be withdrawn.

Thus, applicants believe the restriction requirement is in error and elect to prosecute the claims of Group 1 with traverse. Reconsideration of the restriction requirement is respectfully requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 313632001300.

Respectfully submitted,

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By: Electronic signature: /Kate H. Murashige/
Kate H. Murashige
Registration No.: 29,959
MORRISON & FOERSTER LLP
12531 High Bluff Drive, Suite 100
San Diego, California 92130-2040
Telephone: (858) 720-5112
Facsimile: (858) 720-5125